

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT SECURITIES
LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of Bernard
L. Madoff Investment Securities LLC,

Plaintiff,

v.

THE HEBREW UNIVERSITY OF JERUSALEM, YISSUM
RESEARCH DEVELOPMENT COMPANY OF THE
HEBREW UNIVERSITY OF JERUSALEM LTD., BEN-
GURION UNIVERSITY OF THE NEGEV, B.G. NEGEV
TECHNOLOGIES AND APPLICATIONS LTD., THE
WEIZMANN INSTITUTE OF SCIENCE, and BAR ILAN
UNIVERSITY,

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 21-01190 (CGM)

**DECLARATION OF DROR FRENKEL IN SUPPORT OF
MOTION TO DISMISS COMPLAINT**

I, Dror Frenkel, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct:

1. I am the legal advisor of Bar Ilan University ("Bar Ilan") and have been serving in this position since March 1988.

2. The following facts are known to me by virtue of my position or from inquiries made at the request of Bar Ilan's management regarding this matter (as detailed below):

- a. Bar Ilan is a public research university located in Ramat Gan, Israel. Bar Ilan is chartered in Israel as a registered association subject to the Israeli Law of Associations, 5740-1980, and is also subject to the Israeli Council for Higher Education Law, 5718-1958.
- b. Attached to this declaration as **Exhibit 1** is a true and correct copy of the Certificate of Registration of Bar Ilan (Hebrew original and English translation).
- c. Attached to this declaration as **Exhibit 2** is a true and correct copy of the university's Certificate of an Institute of Higher Education (Hebrew original and English translation).
- d. Bar Ilan's principal governing document is its By-Laws. As set forth in the By-Laws applicable between 2002 and 2008, as well as those in force today, Bar Ilan's object is to further and enhance the study and research in all branches of Torah and science.
- e. Attached to this declaration as **Exhibit 3** is a true and correct copy of Bar Ilan's By-Laws (Hebrew original and English translation), published in May 1993.
- f. Attached to this declaration as **Exhibit 4** is a true and correct copy of Bar Ilan's By-Laws (Hebrew original and English translation), published in January 2003.

- g. During the period between May 1993 and 2008, certain discrete changes were made to the By-Laws, but those changes do not alter or affect the testimony in this Declaration.
 - h. Bar Ilan's By-Laws define, among other things, the powers and authorities of its governing bodies, including the Board of Trustees, the Executive Council (the name of which over the years changed to the "Council of Trustees"), the Permanent Committee and the President of the University.
 - i. These bodies are responsible for setting the policy and carrying out the governance or management of Bar Ilan.
3. At the request of Bar Ilan's management, inquiries relating to this matter were made in the above bodies and in the university's various departments, such as Bar Ilan's Rector's office, department of Human Resources, President's office and School of Business Administration. The following additional facts are the result of these inquiries:
- a. Professor Amnon Caspi was employed by Bar Ilan as an Adjunct Associate Professor in the School of Business Administration at Bar Ilan University, without tenure, between 1971 and 2006. Professor Caspi also headed the Cranet research laboratory, which operated under the School of Business Administration and is no longer in operation.
 - b. As an adjunct professor at Bar Ilan, Professor Caspi would not have been restricted from participating in organizations such as Yeshaya Horowitz Association ("Yeshaya") in his personal capacity.
 - c. There is no record of Professor Caspi being appointed as a Yeshaya member (or to any Yeshaya position or committee) by any of the foregoing bodies of Bar Ilan

or by any other person or body acting on behalf of Bar Ilan. Bar-Ilan does not generally appoint professors to organizations like Yeshaya. Based on the information available to me, and the aforesaid inquiries, Professor Caspi was not appointed by Bar-Ilan to Yeshaya in this instance.

4. Bar Ilan, as noted above, is organized in Israel under Israeli law. The American Friends of Bar-Ilan University ("AFBIU") is a nonprofit organization in New York and has its own officers and board of overseers. The purpose of AFBIU is to provide philanthropic support for Bar Ilan.

Executed on February 10, 2022
Ramat Gan, Israel



Dror Frenkel